MEETING MINUTES
WATER POLLUTION CONTROL ADVISORY COUNCIL
10:00 A.M., FRIDAY, NOVEMBER 9, 2018
METCALF BUILDING
1520 EAST SIXTH AVE., HELENA, MT

PRESENT

Councilmembers Present:
Earl Salley
Mary Ahmann Hibbard
Michael Wendland
Bob Zimmer
Trevor Selch
Karen Sanchez (phone)
Holly Kreiner (phone, Adam Sigler's alternate)

Councilmembers Absent:
Craig Workman
Stevie Neuman

Others Present:
Hannah Riedl, DEQ
Eric Regensburger, DEQ
Jon Dilliard, DEQ/PWS
Eric Urban, DEQ
Terri Mavencamp, DEQ
Myla Kelly, DEQ
Mike Suplee, DEQ
Eric Sivers, DEQ
Todd Seib, Missoula County (phone)

CALL TO ORDER

Chairman Selch called the meeting to order at 10:01 A.M.

APPROVAL OF AGENDA

Chairman Selch brought forward the approval of the agenda.
Michael Wendland moved to accept the agenda, Earl Salley seconded, and the agenda was approved.

WELCOME NEW COUNCIL MEMBERS AND INTRODUCTIONS

Chairman Selch welcomed the two new councilmembers and asked councilmembers to give a brief introduction of themselves.

1. Mary Ahmann Hibbard – representing Realtors
2. Bob Zimmer – representing Conservation Organizations

APPROVAL OF MINUTES

Chairman Selch brought forward approval of the July meeting minutes. There were no changes. Councilmember Wendland moved to accept the minutes. Vice Chair Salley seconded and the minutes were approved as recorded.

ACTION ITEMS

Proposed Rule for Lagoon and Well Setback – Eric Regensburger

(See presentation materials for more information: Lagoon Setback Graphics and Lagoon Setback Rule)

The current rule for sewage lagoons has a standard 500-foot setback from wells, regardless of the site-specific conditions. This was a one-way rule that only regulated the location of the lagoon in relation to wells. It didn't regulate wells in relation to lagoons.

The new proposed rule works both ways and applies to siting the lagoon and/or well. The default setback rule will change to 1,000 feet with several ways to reduce that to as close as 100 feet based on site-specific conditions. The rule applies to sewage lagoons and CAFOs. It applies to all water wells equally – public, domestic, stock, irrigation. It does not apply to rapid infiltration beds, storm water

ponds, septic systems or drain fields. Existing lagoons and existing wells are exempt from these requirements unless they increase the discharge rate from the well or the size of the lagoon.

If it can be demonstrated that there is hydraulic disconnection between the water source supplying the water well and the lagoon, the setback can be 100 feet.

The 2nd way to reduce the 1,000 ft default setback is to ensure sufficient pathogen reduction between the well and the lagoon.

A 3rd way to reduce the 1,000 ft default is if there is continuous disinfection of a public water supply well or disinfection of the lagoon wastewater. Then the setback is 200 feet.

The floor opened to questions:

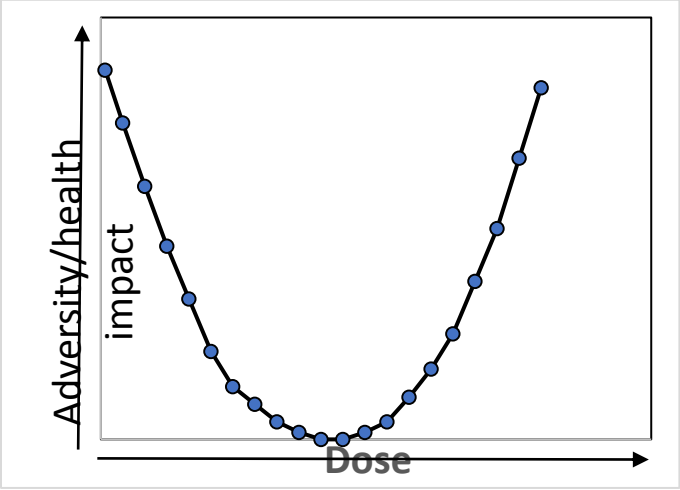
Councilmember Michael Wendland asked how are you measuring that?
Mr. Regensburger explained the rule has 3 components to travel time in the ground water:
1. Hydraulic conductivity – the rate at which water can move through the soil.
2. Hydraulic gradient - is the slope of the water table.
3. Porosity – the holes in the material that are connected. We use those 3 values to come up with travel time in the lagoon for the well.
Councilmember Wendland replied, theoretically.
Mr. Regensburger said, yes. There are different methods, like tracer tests. The rule outlines specific ways to do this calculation. If you have a different method, you can pitch that to the Department. You could do a tracer test and figure out the travel time that way.
Councilmember Sanchez asked if the department has received any feedback or comments from engineers regarding the proposed rule.
Mr. Regensburger replied, not yet, but Eric Urban did send it out earlier this week to half dozen or more engineers and he didn't think there were any comments on it yet.
Mr. Urban replied that he asked DEQ's wastewater program to identify the most common firms that build lagoons so they could target that audience. The only feedback received so far from one firm that was supportive of it because they had struggled with the 500 ft and felt there were no alternatives.
Councilmember Ahmann Hibbard motioned to accept the new setback rules as described.
Chairman Trevor Selch asked if there were any discussion or comments from the public.
Mr. Suplee asked regarding pathogens, sort of like your tracer, is that specifically *E. coli* or is that other types of pathogens or what does that encompass.
Mr. Regensburger explained that they are trying to protect against is generally bacterial *E. coli* contamination. There can be viruses in wastewater, too, but the main thing we regulate are the *E. coli*. The standard reduction the EPA uses doesn't just focus on one type of bacteria or virus because they all travel differently and they all have different die-off rates in the environment. The rate we use encompasses an average of a lot of different "cooties" viruses/bacteria.
Councilmember Zimmer asked if after the Well and Lagoon have been constructed and setback approved - is follow-up testing required to make sure the modeling is effective.
Mr. Regensburger replied no, unless it is a public Well that has bacterial testing, other Wells are not required to test. He explained that Lagoons have inspections, and if the Lagoon starts failing, that would trigger follow-up. The calculations are based on the actual design rate or measured rate of lagoon leakage. If the Lagoon starts to have more leakage, that will be a red flag and would have to be repaired, but there is no additional monitoring requirements as part of this rule. Once the setback is set, we are pretty much done unless there are some other requirements for monitoring on either side.
Councilmember Zimmer said, so it really comes down to "owner / operators beware" and watch your water source.

Mr. Regensburger replied, yes, its like any other source of contamination out there. If you don't test, you don't know if you're going to have contamination or not. There are a lot of Wells that don't require testing for any types of contamination.
Chairman Selch asked if there is a similar setback for surface water and Lagoons.
Mr. Regensburger said that it's at least outside the hundred-year flood plain for the rapid infiltration basins, probably a minimum of 100 feet is the typical setback for anything else. There may be others that he is not aware of.
Chairman Selch asked, that is from the flood plain, not the surface well.
Mr. Regensburger replied, yes, a floodplain setback, but there are other general setbacks from the ordinary high-water mark of a stream of 100 feet. We may want to hear from our Lagoon experts to answer that question better.
Chairman Selch asked if there were any other questions. There were none, so he opened the floor up to a vote. All were in favor of adopting the new rules for Lagoons and Well Setback. The motion carried.

Proposed Groundwater Standards – Mike Suplee
(See presentation materials for more information: DEQ7 Rule Package)
Mr. Suplee explained that what they are asking this rule package move forward to the next Board of Environmental Review's meeting. The Department is proposing adding six human health groundwater criteria into Circular DEQ-7: diallate; dioxane, 1,4-; iron; manganese; perfluorooctane sulfonate (PFOS); and perfluorooctanoic acid (PFOA).

Criteria were derived with the assumption that the only source of getting this would be through drinking water. Because these are groundwater criteria, they didn't account for consumption of fish. The basis of the diallate criterion is driven largely by the request from DEQ's Waste Management and Remediation Division, including the hazardous materials program. This will provide a clean-up standard for hazardous waste permitted facilities.

Mr. Suplee put up the U-Shaped Response graphic to help clarify how the criteria for iron and manganese was selected.



The dose versus human health effects in low amounts (on left side of graphic) can lead to anemia and other conditions. The wide area in between is where the dose is correct for people to maintain good health. The dose versus human health effects in high amounts (on the right side) can negatively impact human health. It's the right side of this U-shaped curve that these criteria are derived to protect.

The floor opened to questions:

Councilmember Zimmer asked if there is any chance that EPA will revise their criteria in the future to be stricter, and how the Department would respond to that.
Mr. Suplee responded that EPA is also looking at adopting a criterion for manganese and possibly PFOS and PFOA in drinking water. That might be a few years out.
Councilmember Zimmer replied, so essentially their potential pending rule would meet or match Montana's.
Mr. Suplee answered, yeah, he would think so.
Chairman Selch asked if there are surface water criterion for dioxane, diallate and the PFOS.
Mr. Suplee replied, no there are none.
Chairman Selch asked if that is something he anticipates working on in the future.
Mr. Suplee replied, that his understanding, and those would move forward through the drinking water program.
Chairman Selch asked if there were any more questions. There were no more questions, so Trevor asked for a motion.
Councilmember Zimmer moved that the council accept the criterion that was laid out by the DEQ.
Chairman Selch asked if there was more discussion.

A write-in question from Todd Seib states, "can you list the proposed criteria chemicals in the comments? I think our Water Quality Advisory Council would like an update on the proposed DEQ-7 changes. Our next meeting is Tuesday, December 11th at 7pm. Feel free to email me if someone can come forward and present."

The proposed criterion for the following are: diallate - 5.5 micrograms per liter; dioxane – 3 micrograms per liter; Iron – 4,000 micrograms per liter; manganese – 100 micrograms per liter; PFOS and PFOA – are both 0.07 micrograms per liter.

Mr. Suplee confirmed that someone could be at their meeting.

Councilmember Trevor Selch asked if there were any more questions or discussion. He also asked if anyone from the audience/public had any comments. There were none. All were in favor of the motion and so the motion carried.

General Public Comment
There were none.

Agenda Items for Upcoming Meetings

1. Vote for new chair the first meeting of the new year.
2. Michael Wendland – algae bloom update for spring meeting.
3. Hannah Riedl – legislation session begins in January. If anyone hears or knows of any bills being proposed, please let Hannah know. The Water Quality Division at DEQ is sponsoring 3 proposed bills.
    a. Create a grant program to help fund testing and remediation of lead in school water supplies.
    b. Consolidation of 2 variance rules.
    c. Make is easier for subdivisions to hook into municipal waste water systems.

Chairman Selch invited people to email him or Hannah Riedl with any other agenda items and they will be worked in as soon as possible.

The Council discussed scheduling the 1st Meeting of 2019

Adjourn

Motion to adjourn by Councilmember Earl Salley.